

Appl. No. : 10/072,317
Filed : February 6, 2002

REMARKS

The June 23, 2006 Office Action was based on pending Claims 1, 5–16, 20, 21 and 24–27. No claims are being amended or cancelled by this Response. In view of the remarks set forth below, Applicant respectfully reconsideration of Claims 1, 5–16, 20, 21 and 24–27 and submits that Claims 1, 5–16, 20, 21 and 24–27 are in condition for allowance.

SUMMARY OF OFFICE ACTION

The Office Action rejected Claims 1, 5–16, 20, 21 and 24–27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,421,688 to Song ("Song").

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Submitted concurrently herewith is a Supplemental Information Disclosure Statement citing two (2) references, which were cited during the prosecution of a co-pending related U.S. patent application. Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make the references of record.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(e)

The Office Action rejected Claims 1, 5–16, 20, 21 and 24–27 as being anticipated by Song. For at least the reasons set forth below, Applicant respectfully disagrees and requests reconsideration of the aforementioned claims.

Independent Claim 1

Focusing on independent Claim 1, in one embodiment of Applicant's invention a database cluster is disclosed for avoiding client failure by connecting to multiple nodes of the cluster. The database cluster includes a first computing system having a primary connection manager, which forms a client TCP/IP connection with and receives transactions from at least one client, and a primary DBMS that executes the transactions on data stored in one or more data files.

The claimed database cluster also includes a second computing system having a secondary DBMS that communicates with a secondary connection manager and can

access data stored in the one or more data files. The secondary connection manager is further configured to monitor a performance of the first computing system, and the primary connection manager is configured to monitor a performance of the second computing system. The secondary connection manager also transparently assumes the TCP/IP connection when the secondary connection manager determines that an unbalanced workload exists between the first and the second computing systems.

Song does not disclose the database cluster of Claim 1. For example, Song does not disclose a database cluster having a first computing system and a second computing system, wherein a secondary connection manager of the second computing system is configured to monitor the performance of the first computing system.

Song discloses a fault tolerant database system using off-the-shelf database servers (see col. 1, lines 12–14). As shown and described with reference to Figure 1, the database servers (3) are connected to a database gateway (1), which duplicates client database queries (7) into multiple streams (8) for each of the database servers (3) (see col. 5, lines 11–20). Each database server (3) hosts its own database server monitor that checks the activities of that server (see col. 5, lines 21–23; col. 7, lines 26–31). Errors and significant warning signs dealing with the status of the server (3) are further reported by that same server to the database gateway (5) (see col. 5, lines 23–28).

Unlike the database cluster of Claim 1, the database system of Song does not have two computing systems, each executing client transactions on data files, wherein one of the computing systems monitors the performance of the other computing system. Rather, in the Song database system, performance monitoring is performed by the central database gateway (1) and by the individual database servers (3) such that each server (3) monitors its own performance not the performance of the other servers. Furthermore, there appears to be no teaching or suggestion that the off-the-shelf database server of Song would even be used to monitor the performance of other off-the-shelf database servers in Song's database system.

Appl. No. : 10/072,317
Filed : February 6, 2002

Because Song does not disclose each limitation of independent Claim 1, Applicant asserts that Claim 1 is patentably distinguished over Song, and Applicant respectfully requests allowance of Claim 1.

Independent Claims 11, 20, 21 and 24

Independent Claims 11, 20, 21 and 24 are believed to be patentably distinguished over Song for reasons similar to those set forth above with respect to the patentability of independent Claim 1 and for the different aspects recited therein.

Dependent Claims 5–10 and 12–16

Claims 5–10 depend from independent Claim 1 and are believed to be patentable for the reasons set forth above with respect to Claim 1 and for the additional features recited therein.

Claims 12–16 depend from independent Claim 11 and are believed to be patentable for the reasons set forth above with respect to Claim 11 and for the additional features recited therein.

Claims 25–27 depend from independent Claim 24 and are believed to be patentable for the reasons set forth above with respect to Claim 24 and for the additional features recited therein.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at the general office number listed below.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Appl. No. : 10/072,317
Filed : February 6, 2002

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/20/2006

By: Christian A. Fox

Christian A. Fox
Registration No. 58,507
Attorney of Record
Customer No. 20,995
(949) 760-0404

3023282
101606